

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

BESSIE RANDOLPH,

Plaintiff,

vs.

CIV 14-0366 KG/KBM

UNITED STATES OF AMERICA,

Defendant.

ORDER FOLLOWING TELEPHONIC HEARING

THIS MATTER having come before the Court on the United States' Amended Motion to Extend Deadlines (*Doc. 48*), Emergency Motion for Order that Plaintiff Submit to IMEs (*Doc. 51*), and Emergency Motion to Compel (*Doc. 52*). The Court reviewed the submissions of the parties and heard oral argument during a telephonic hearing held on May 19, 2015, at which time the Court set forth its rationale for the following rulings:

1. As to Defendant's Emergency Motion to Compel (*Doc. 52*), Plaintiff is to immediately provide to Defendant a UNM release of all UNM records, including mental health records. In all other respects, the relief sought will be denied as moot.

2. As to Defendant's Emergency Motion for Plaintiff to Submit to IMEs (*Doc. 51*) (Rule 35 expert examinations), it is granted only in part as follows:

a. Plaintiff will be subject to a psychiatrist examination by Dr. Wellborn to last no longer than 2 hours. No video or audiotaping will be permitted. A relative will be allowed to accompany Plaintiff but will remain silent.

b. Plaintiff will be subject to a neuropsychologist examination by Dr. Granados as described by Defendant in its motion. A relative of Plaintiff will be allowed

to be present for the interview portion of the exam only and will remain silent. No video or audiotaping will be permitted.

c. Plaintiff will be subject to an examination in her home by Life Care Planner Janet Toney which will last no longer than 2 hours. Plaintiff is required to be present. Videotaping will be allowed. A relative of Plaintiff may be present and will remain silent.

d. Plaintiff will be subject to a neurology examination by Dr. Seelinger, to last no longer than 2 hours. A relative will be allowed to be present and remain silent. No video or audiotaping will be permitted.

e. Defendant will reimburse Plaintiff for all travel expenses incurred in connection with the above Rule 35 expert examinations.

f. Dr. Helfenstein will provide all of his raw data to Dr. Granandos as soon as possible with Defendant to bear the costs incurred in the production, including copying and shipping costs.

g. The parties will confer with regard to scheduling the above examinations to take place as soon as practical.

3. Defendant's Motion to Extend Deadlines (*Doc. 48*) is granted in part as follows:

- a. Defendant's expert witness disclosures are due by July 13, 2015;
- b. Discovery will end on August 31, 2015;
- c. Discovery motions to be filed by September 8, 2015; and
- d. Pretrial motions (including *Daubert* motions) to be filed by September 25, 2015.

e. It is anticipated that Presiding District Judge Gonzales will provide deadlines relating to the Pretrial Order when he sets this matter for trial.

IT IS SO ORDERED.


UNITED STATES CHIEF MAGISTRATE JUDGE